

09/955.517

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicants: Tabery, *et al.*

Serial No: 09/955.517

Filing Date: September 18, 2001

Examiner: Parviz Hassanzadeh

Art Unit: 1763

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Title: IN-SITU OR EX-SITU PROFILE MONITORING OF PHASE OPENINGS ON
ALTERNATING PHASE SHIFTING MASKS BY SCATTEROMETRY

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OVERCOME A DOUBLE
PATENTING REJECTION (37 CFR §1.321(c))**

Dear Sir:

I, Himanshu S. Amin, represent that I am an attorney of record for application Serial No. 09/955.517 filed September 18, 2001, entitled IN-SITU OR EX-SITU PROFILE MONITORING OF PHASE OPENINGS ON ALTERNATING PHASE SHIFTING MASKS BY SCATTEROMETRY. The terminal part of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of United States Patent issuing to U.S. Applications Ser. Nos. 09/893,271 and 09/893,186, as presently shortened by any terminal disclaimer, is hereby disclaimed, except as provided below, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said

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patent shall be the same as the legal title to U.S. Applications Ser. Nos. 09/893,271 and 09/893,186, this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Applications Ser. Nos. 09/893,271 and 09/893,186, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by a terminal disclaimer, except for the separation of legal title stated above.

Authorization is hereby granted to charge Deposit Account No. 50-1063 [AMDP753US] the fee (\$110.00) associated with this Terminal Disclaimer. In the event any additional fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to the same Deposit Account No.

Respectfully submitted,
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